

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

KPMG LLP, et al.,

Defendants.

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

PAUL A. ALLAIRE, G. RICHARD THOMAN,
BARRY D. ROMERIL, PHILIP D. FISHBACH,
DANIEL S. MARCHIBRODA AND GREGORY
B. TAYLER,

Defendants.

Cate, J.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>11-4-09</u>

Civil Action No.
03 CV 0671 (DLC)

Civil Action No.
03 CV 4087 (DLC)

~~PROPOSED~~ ⁹ ORDER TO CLOSE DISTRIBUTION ACCOUNTS AND
TRANSFER REMAINING FUNDS TO THE SEC FOR DEPOSIT WITH THE
UNITED STATES TREASURY

The Court having reviewed the Securities and Exchange Commission's Motion to
Close Distribution Accounts and Transfer Remaining Funds to the SEC for Deposit with
the United States Treasury, along with the exhibits thereto, including an analysis
disclosing the expenses and distribution of funds, the Court

HEREBY DECREES AND ORDERS THAT:

I.

Fund distribution is completed as per the plan approved by the Court.

II.

The court-appointed distribution agent, Gilardi & Co. ("Gilardi"), and/or the court-appointed tax administrator, Damasco Associates ("Damasco"), shall, within ten (10) days of the entry of this Order, transmit to the Securities and Exchange Commission ("Commission") all amounts remaining in the accounts related to distribution of disgorgement and penalty amounts in the captioned litigation. They shall do so by wire transfer or check made payable to the Securities and Exchange Commission and delivered to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Stop 0-3, Alexandria, VA 22312 along with a cover letter identifying the litigation by title and docket numbers and stating that the funds are to be deposited with the United States Treasury. A copy of this Order shall also be sent with the letter and payment. A copy of all documents, including the check or proof of wire transfer, shall also be sent to James A. Kidney, Assistant Chief Litigation Counsel, Securities and Exchange Commission, 100 F St., NE, Washington, D.C. 20549-4010.

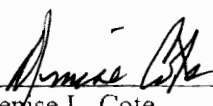
III.

Gilardi and/or Damasco shall also transmit to the Commission within ten (10) days of receipt any outstanding tax refunds as identified in the Declaration of Bruce H. Cozzi, Exhibit B to the Motion, net of fees to the tax administrator, enclosing also the same information as required in paragraph I above, with a copy to Mr. Kidney.

IV.

Upon payment of all outstanding amounts from the distribution funds, and absent any further developments requiring the Court's attention or legal obligations requiring payment of fees and expenses, Gilardi and Damasco shall close all accounts related to the distribution.

SO ORDERED this 4th day of November, 2009.



Hon. Denise L. Cote
United States District Judge

COPIES SENT TO:

James A. Kidney
Securities and Exchange Commission
100 F. Street, N.E.
Washington, D.C. 20549